

value because of its enzyme content and was not a tonic. Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of high blood pressure, hardening of the arteries, ulcerative colitis, fading strength, nervous exhaustion, failing memory, cerebral rupture, valvular disease of the heart, pulmonary tuberculosis, general weakness, fatigue, headaches, and dizzy spells, and for providing energy and improving digestion, which were the conditions and purposes for which the article was offered in a circular disseminated and sponsored by the distributor, Balanced Foods, Inc., and entitled "Which of These Dread Killers Threaten Your Advancing Years."

DISPOSITION: October 22, 1953. Default decree of condemnation and destruction.

4213. Misbranding of Unitone tablets. U. S. v. 90 Bottles * * *. (F. D. C. No. 35240. Sample No. 20158-L.)

LIBEL FILED: May 19, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about April 6, 1953, by the Unitone Corp., from New York, N. Y.

PRODUCT: 90 bottles of *Unitone tablets* at St. Paul, Minn.

LABEL, IN PART: (Bottle) "Unitone Brand of B-Amino Complex * * * Vitamins * * * Amino Acids * * * Di and Tri-Valent Minerals * * * Unitone Corporation, Distributors New York, N. Y."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of deafness, which was the condition for which the article was offered in advertising sponsored by and on behalf of its manufacturer and distributor.

DISPOSITION: October 9, 1953. The shipper of the product having appeared as claimant and filed an answer denying that the product was misbranded, and later having withdrawn its answer and consented to the disposition of the case as a default matter, the court entered a decree providing for the destruction of the product.

4214. Misbranding of Color-Therm device. U. S. v. Fred Gerkey. Motion to dismiss denied. Plea of guilty. Imposition of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 34853. Sample No. 16460-L.)

INFORMATION FILED: March 31, 1953, District of Kansas, against Fred Gerkey, Mission, Kans.

ALLEGED SHIPMENT: On or about August 2, 1951, from the State of Kansas into the State of Oklahoma.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the device failed to bear adequate directions for use in that the device failed to bear labeling revealing the conditions for which it was to be used.

DISPOSITION: The defendant filed a motion to dismiss the information on May 6, 1953, and on June 9, 1953, after hearing arguments of counsel, the court overruled the motion. Thereafter, the defendant entered a plea of guilty, and, on October 12, 1953, the court suspended the imposition of sentence and placed the defendant on probation for 1 year.